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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,178	03/24/2004	Yoshiko Amitani	040150	4182
23850 7590 10/16/2007 KRATZ, QUINTOS & HANSON, LLP 1420 K Street, N.W. Suite 400 WASHINGTON, DC 20005			EXAMINER LAO, LUN YI	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 10/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/807,178

Applicant(s)

AMITANI ET AL.

Examiner

LUN-YI LAO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 8/14/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sassi(6,487,396) in view of Kang et al(7,146,197).

As to claims 1-3, Sassi teaches a portable wireless terminal comprising a first case(2) having a front surface and a rear surface, a second case(3) having a front surface and a rear surface and provided with a display(5a, 6a), and an interconnecting mechanism comprising a hinge mechanism(4) for openably interconnecting the two cases(2, 3)(see figure 2 and column 4, lines 37-51), the second case(3) connecting to the first case(2) by the interconnecting mechanism(4) so that the second case(3) is closable to a first posture(close position) wherein at least a part area of front surface of the first case(2) is covered and is openable to a second posture(open position) wherein the part area is exposed, the front surface and rear surface of the second case(3) being provided with respective displays(6a, 5a)(see figures 1, 2 and column 4, lines 52-63); the part area of the first case(2) having a pointing device (7a) for an input manipulation on a display(6a)(see figure 2 and column 5, lines 58-65), the second case(3) having an

opening extending through the case from the front surface thereof to the rear surface thereof at the position opposed to the pointing device(7a) when in the first posture(close position)(see figures 1-2; column 4, lines 17-36 and column 5, lines 25-65), the opening having an inner peripheral wall to surround the entire pointing device(7)(see figure 2).

Sassi fails to disclose a pointing device projecting from the front surface of the first case.

Kang et al teach a portable wireless terminal comprising a first case(10); a second case(20); a pointing device(310) projecting from the front surface of the first case(10)(see figures 1-2; column 4, lines 29-52). It would have been obvious to have modified King with the teaching of Sassi, since Sassi has disclosed the pointing device(7) could be mounted on a first case(2)(see column 5, lines 58-65). Also, It would have been obvious to one of ordinary skill in the art to locate the pointing device in the bottom of a device to achieve the predictable result of the device would be relatively stable in use because of the concentration of mass near the bottom of the device. See *KSR International Co. v. Teleflex Inc.*, 550 U.S. --, 82 USPQ2d 1385(2007).

As to claim 2, Sassi teaches the pointing device(7a) is in the form of a bar, and is movable so as to tilt upwardly, downwardly, rightwardly or leftwardly with its base end serving as a fulcrum(see figures 1, 2; column 3, lines 50-60 and column 7, lines 43-59).

As to claim 3, Sassi teach the front surface of the second case(3) is opposed to the front surface of the first case(2) in the first posture(close position); in the meantime, the front surface of the second case(3) is apart from the front surface of the first case(2) in the second posture(open position), the pointing device(7a) functions for

a screen presented on the display (6a) disposed on the rear surface of the second case(3) in the first posture(close position); in the meantime, the pointing device(7a) functions for a screen(5a) presented on the display(5a) disposed on the front surface of the second posture(open position)(see figures 1-2; column 5, lines 25-65; column 6, lines 19-68; column 7, lines 1-7 and column 8, lines 53-63).

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kang et al(7,146,197) in view of Sassi.

Kang et al teach a portable wireless terminal comprising a first case(10 or 600) with a front surface and a rear surface, a second case(20 or 610) having a front surface and a rear surface(see figures 1-3, 6; column 3, lines 44-600 and column 5, lines 37-55); an interconnecting mechanism(sliding mechanism) for connecting the two cases(10, 20 or 600, 610))(see figures 1-3, 6; column 1, lines 41-55; column 3, lines 44-60 and column 4, lines 29-47), wherein the interconnecting mechanism comprises a sliding mechanism for slidably interconnecting the first case and the second case one another, the two cases are slidably lapped over one another with the front surface of the first case opposed to the rear surface of the second case, the two cases are lapped over in the greatest area in the first posture; in the meantime, the two cases are lapped over in the smallest area in the second posture, the display(612) is disposed on the front surface of the second case(610), and the opening is formed by a notch having a U-shaped opening opposed to a pointing device(310)(see figures 1, 2, 6 and column 1, lines 41-55). Kang et al teach the front surface of the second case(20) having a display(612)(see figure 6 and column 5, lines 56-62); a pointing device(30 or

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630) projecting from the front surface of the first case(10 or 600) and the second case(20 or 610) having an opening extending through the case from the front surface to the rear surface when in a first posture(close position) and the opening is formed by a notch having a U-shaped opening opposed to the pointing device(see figures 1, 6 and column 1, lines 41-55).

King et al fail to point out the pointing device for an input manipulation on a display mounted on the second case.

Sassi teaches a pointing device(7a) for an input manipulation on a display(6a) on a second case(3)(see figure 1; column 7, lines 25-49 and column 8, lines 53-63).). It would have been obvious to have modified King et al with the teaching of Sassi, so to provide an input device for inputting data on two displays.

### ***Response to Arguments***

4. Applicant's arguments filed on August 14, 2007 have been fully considered but they are not persuasive.

Applicants argue that Sassi's pointing device(7a) is provided in the second case(3) on pages 6-7. However, Sassi has also disclosed the pointing device(7a) can be provided in the first case(2) without a display(see figure 2 and column 5, lines 58-65).

Applicants argue that Sassi's pointing device does not come out of the opening when both cases are opened on page 6. The examiner disagrees with that since the

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pointing device(7a) come out of the opening when both cases(2, 3) when the pointing device(7a) can be provided in the first case(2) (see figure 2 and column 5, lines 58-65).

Applicants argue that Sassi does not disclose the first case with an opening on page 7. However, such limitation can not be founded in claims 1-3 and 5. Sassi teaches the second case(3) having an opening as cited in claim 1.

Applicants argue that Kang et al fail to disclose the front surface of the first case has a pointing device projecting therefrom, that the second case has an opening extending through the case for containing the pointing device, and the opening has an inner peripheral wall to surround the entire pointing device as cited in claim 1 on page 7. The examiner disagrees with that since the combination of Sassi and Kang et al teach such features(see claim 1 rejection above).

Applicants argue that Kang fails to disclose a sliding mechanism as cited in claim 5. the examiner disagrees with that since Kang teaches a sliding mechanism(see column 1, lines 41-55).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hansen et al(6,370,362) teach a slide cover.

Kubo(6,728,558) teach a slide cover.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lun-yi Lao whose telephone number is 571-272-7671.

The examiner can normally be reached on M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 12, 2007

  
Lun-yi Lao

**Primary Examiner**